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Attorney for Defendant
COAST TO COAST ENTERTAINMENT, LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ROVIO ENTERTAINMENT LTD	:	
F/K/A ROVIO MOBIL OY,	:	ANSWER
	:	
Plaintiff,	:	
v.	:	12-CV-4944-AJN
	:	
COAST TO COAST ENTERTAINMENT, LLC	:	JURY TIRAL REQUESTED
	:	
Defendant.	:	
	:	

ANSWER TO PLAINTIFF'S COMPLAINT

Pursuant to Rule 8, Federal Rules of Civil Procedure, the Defendant Coast To Coast, LLC, by and through its attorneys, hereby answers, *seriatim*, and upon information and belief, each of the correspondingly numbered paragraphs of Plaintiff's Complaint, in the within action, as follows:

NATURE OF THIS ACTION

1. Paragraph 1 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court

for its consideration, otherwise Defendant admits that the Plaintiff purports to be asserting claims under the referenced laws and statutes, for the various remedies asserted, but denies the sufficiency of any of the claims, and denies that Plaintiff is entitled to the relief sought pursuant to the claims; otherwise the factual allegations are denied.

JURISDICTION AND VENUE

2. Paragraph 2 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the allegation is denied.

3. Paragraph 3 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the allegation is denied.

4. Paragraph 4 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the allegation is denied.

THE PARTIES

5. Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

6. Admitted.

COMMON FACTUAL ALLEGATIONS

7. Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

8. Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

9. Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

10. Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

11. Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

12. Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

13. Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

14. Paragraph 14 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

15. Paragraph 15 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

16. Paragraph 16 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

17. Paragraph 17 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied..

18. Paragraph 18 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

19. Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

20. Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

21. Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

22. Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

23. Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

DEFENDANT'S CONDUCT

24. Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

25. Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

26. Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

27. Paragraph 27 of the Complaint sets forth legal conclusions as to which no response is legally required, and it also include Plaintiff's improper, frivolous, and derogatory characterizations, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

28. Paragraph 28 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

29. Paragraph 29 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

30. Denied.

31. Denied.

32. Denied.

33. Paragraph 33 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the allegation is denied.

CAUSES OF ACTION

**FIRST CAUSE OF ACTION
FEDERAL COPYRIGHT INFRINGEMENT**

34. Defendant repeats and incorporates its responses to each every allegation in the preceding paragraphs.

35. Paragraph 35 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

36. Denied.

37. Denied.

38. Denied.

39. Denied.

40. Denied.

**SECOND CAUSE OF ACTION
Trademark Counterfeiting Under Sections 32, 34, and 35 of Lanham Act
15 U.S.C. Section s 1114(1)(b), 1116(d) and 1117(b)-(c)**

41. Defendant repeats and incorporates its responses to each every allegation in the preceding paragraphs.

42. Paragraph 42 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the allegation is denied.

43. Paragraph 43 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court

for its consideration; otherwise the Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

44. Paragraph 44 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the allegation is denied.

45. Paragraph 45 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the allegation is denied.

46. Paragraph 46 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the allegation is denied.

**THIRD CAUSE OF ACTION
(Infringement of Registered Trademarks)
1115 U.S.C. Section 1114/Lanham Act Section 32(a)**

47. Denied.

48. Defendant repeats and incorporates its responses to each every allegation in the preceding paragraphs.

49. Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

50. Paragraph 50 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

51. Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

52. Denied.

53. Defendant has sold some of Plaintiff's authorized products, otherwise Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

54. Defendant has sold some of Plaintiff's authorized products, otherwise Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

55. Denied.

56. Denied.

57. Denied.

58. Paragraph 58 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the allegation is denied.

FOURTH CAUSE OF ACTION
(False Designation of Origin (Passing Off & Unfair Competition)
15 U.S.C. Section 1125(a) Lanham Act Section 43(a)

59. Defendant repeats and incorporates its responses to each every allegation in the preceding paragraphs.

60. Paragraph 60 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the Defendant lacks knowledge or information sufficient to form a belief about the truth of this allegation, and thus the allegation is denied.

61. Denied.

62. Paragraph 62 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the allegation is denied.

63. Denied.

64. Denied.

65. Paragraph 65 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the allegation is denied.

66. Paragraph 66, after fairly attempting a reading, is largely indecipherable, however Paragraph 66 of the Complaint does appear to attempt to set forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the allegation is denied.

67. Denied, except that Defendant admits Plaintiff is seeking the stated relief, and denies that Plaintiff is entitled thereto.

68. Paragraph 68 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the allegation is denied.

FIFTH CAUSE OF ACTION
(Deceptive Trade Practices Act – Gen Bus. Law Section 349)

69. Defendant repeats and incorporates its responses to each every allegation in the preceding paragraphs.

70. Paragraph 70 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the allegation is denied.

**SIXTH CAUSE OF ACTION
False Advertising – NY Gen Bus. Law Section 350**

71. Defendant repeats and incorporates its responses to each every allegation in the preceding paragraphs.

72. Paragraph 72 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the allegation is denied.

**SEVENTH CAUSE OF ACTION
(Unfair Competition)
[New York Common Law]**

73. Defendant repeats and incorporates its responses to each every allegation in the preceding paragraphs.

74. Paragraph 74 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the allegation is denied.

75. Paragraph 75 of the Complaint sets forth legal conclusions as to which no response is legally required, and the Defendant respectfully refers all questions of law to the Court for its consideration; otherwise the allegation is denied.

76. Denied.

77. Denied.

78. Denied

79. Denied, except that Defendant admits Plaintiff is seeking the stated relief, and denies that Plaintiff is entitled thereto.

80. Denied, except that Defendant admits Plaintiff is seeking the stated relief, and denies that Plaintiff is entitled thereto.

81. Denied, except that Defendant admits Plaintiff is seeking the stated relief, and denies that Plaintiff is entitled thereto.

**EIGHTH CAUSE OF ACTION
(Unjust Enrichment)**

82. Defendant repeats and incorporates its responses to each every allegation in the preceding paragraphs.

83. Denied.

84. Paragraph 84 contains frivolous, improper, derogatory characterizations and conclusions, rather than factual allegations, and as to such characterizations and conclusions a response is not required, otherwise all of the allegations are denied.

85. Defendant denies all allegations not otherwise specifically responded to in the Complaint.

Wherefore, Defendant denies that Plaintiff is entitled to the relief Plaintiff seeks in paragraphs A through Q, of its Prayer for Relief at pages 16, 17, and 18 and specified elsewhere in its Complaint, and requests that the judgment requested by Plaintiff as to Defendant, (and defendants if any others) be denied, and that judgment be entered in favor of Defendant.

AFFIRMATIVE DEFENSES

Defendant, through its counsel, assert the following separate Affirmative defenses, based upon information and belief:

1. The Court lacks personal jurisdiction over the defendant.
2. The Court lacks venue, or the venue is improper.
3. The Court Lacks subject matter jurisdiction.
4. The Complaint fails to state a claim upon which relief should be granted.
5. The Plaintiff's claims are barred by accord and or satisfaction.
6. The Plaintiff's claims are barred by award.
7. The Plaintiff's claims are barred by the doctrine of estoppel.
8. The Plaintiff's claims are barred by a failure of consideration.
9. Defendant is entitled to setoff or contribution from joint tortfeasors.
10. The Plaintiff's claims are barred by the doctrine of laches.
11. The Defendant's actions are licensed.
12. The Plaintiff's claims are barred by the first sale doctrine.
13. Any use of marks and/or work was *de minimus* and therefore not actionable.
14. The claims are barred by payment.
15. The claims are barred by release.
16. Claims are barred by waiver.
17. All or some of Plaintiff's state law claims are pre-empted.
18. Plaintiff's trademark claims are barred by the doctrine of fair use, or nominal use.
19. Plaintiff's copyright claims are barred by the doctrine of fair use.
20. Plaintiff's copyright claims are barred by the doctrine of merger.

21. Defendant's actions are not the proximate cause of Plaintiff's losses.

22. Plaintiff has failed to mitigate its damages.

23. Plaintiff lacks standing.

24. Plaintiff has failed to join necessary and or indispensable parties.

Wherefore Defendant respectfully requests that Plaintiff be denied all and each form of relief sought in Plaintiff's Complaint, that Defendant be awarded attorneys fees and costs of this action, that Plaintiff's complaint be dismissed, and that the Court award against Plaintiff and in behalf of Defendant such other further relief as to the Court seems just and proper.

Jury Demand

Defendant demands a Trial by Jury as to all causes of action.

Dated: 7.20.2012

Respectfully Submitted:

/s/James Lorin Silverberg

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Attorney for Defendant Coast To Coast, LLC

CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2012, I electronically filed the foregoing Answer with Affirmative Defenses with the Clerk of the United States District Court, Southern District of New York using the CM/ECF system, which would then electronically notify the following CM/ECF participants on this case:

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Dated: July 20, 2012

/s/ James Lorin Silverberg, Esq.